

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

Flavia Everman and Robert Everman,

Plaintiffs,

v.

Board of Trustees of the Town of Adair,
Commonly known as the Town of Adair, *et al.*,

Defendants.

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Case No. 22-cv-179-CVE-CDL

**PLAINTIFFS' UNOPPOSED MOTION TO EXTEND
ALL REMAINING SCHEDULING ORDER DEADLINES**

COME NOW, the Plaintiffs, Flavia Everman and Robert Everman, and respectfully request that the Court extend all Scheduling Order deadlines by sixty (60) days. In support, Plaintiffs show the Court as follows:

1. The Court entered the Scheduling Order on May 20, 2022. *See* Dkt. #14.
2. The current discovery cutoff is December 16, 2022. *Id.*
3. The Parties have exchanged written discovery and taken several depositions. Plaintiff had scheduled additional depositions for the day of December 9, 2022, but Defendants were not able to produce documents vital to the depositions prior to December 9 due to several illnesses in Defendants' counsel's office. The Parties agreed to reschedule the depositions but will not be able to do so before the current discovery cutoff.
4. Accordingly, Plaintiffs respectfully request that the Court extend all remaining scheduling order deadlines by sixty (60) days.
5. There have been no previous requests to extend the Scheduling Order deadlines
6. Plaintiffs are authorized to report that Defendants do not oppose this Motion or the relief sought herein.

7. District Courts are the masters of their own calendars, and thus enjoy “broad discretion” in reviewing motions for continuance and determining deadlines for pretrial and trial activities.

Morris v. Slappy, 461 U.S. 1, 11 (1983); *Phillips v. Ferguson*, 182 F.3d 769, 775 (10th Cir. 1999).

8. Under the circumstances, as set forth, *supra*, Plaintiffs believe, and urge the Court to find, that there is “good cause” to enter an Amended Scheduling Order extending all remaining Scheduling Order deadlines by sixty (60) days. Should the Court grant this Motion, the Amended Scheduling Order deadlines would be as follows:

| DEADLINE | EXTENDED FROM: | EXTENDED TO: |
|---|--------------------------------|-----------------------------|
| Discovery Cutoff | 12/16/2022 | 2/14/2023 |
| Dispositive Motions Cutoff | 1/20/2023 | 3/21/2023 |
| Exchange of Preliminary Witness Lists and Proposed Exhibits | 12/23/2023 | 2/23/2023 |
| Motions <i>in Limine</i> Cutoff | 1/9/2023 | 3/10/2023 |
| Deposition/Videotaped/Interrogatory Designations | 1/23/2023 | 3/24/2023 |
| Counter-Designations | 2/6/2023 | 4/7/2023 |
| Exchange of Pre-Marked Exhibits | 2/13/2023 | 4/14/2023 |
| Objections to Designations | 2/21/2023 | 4/24/2023 |
| Transcripts Annotated with Objections | 2/21/2023 | 4/24/2023 |
| Pretrial Disclosure | 2/13/2023 | 4/14/2023 |
| Agreed Proposed Pretrial Order | 2/21/2023 | 4/24/2023 |
| Final Witness and Exhibit List | 2/21/2023 | 4/24/2023 |
| Pretrial Conference | 2/27/2023 at 10:00 a.m. | To be reset by Court |
| Requested Jury Instructions | 3/13/2023 | 5/12/2023 |
| Exchange of Demonstrative Exhibits | 3/13/2023 | 5/12/2023 |

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|-------------------|-------------------------------|-----------------------------|
| Trial Date | 3/20/2023 at 9:15 a.m. | To be reset by Court |
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WHEREFORE, premises considered, Plaintiffs respectfully request that the Court enter an Amended Scheduling Order extending all remaining Scheduling Order (#14) deadlines by sixty (60) days.

Respectfully submitted,

SMOLEN & ROYTMAN

/s/Robert M. Blakemore
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CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of December 2022, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to all ECF registrants who have appeared in this case.

/s/ Robert M. Blakemore